

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

WALTON VAUGHN,

No. C 10-01860 CW (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

JOHN DOE,

Defendant.

/

This action was opened in error when the Court received a letter dated April 23, 2010 from Plaintiff that was intended to be filed in a previously-filed action -- Case No. C 10-1752 SBA (PR).

On April 23, 2010, Plaintiff filed a complaint and motion for leave to proceed in forma pauperis in Case No. C 10-1752 SBA (PR). Plaintiff claims that he meant for the April 23, 2010 letter to be filed as "Exhibit E" to his previously-filed complaint; however, he did not indicate that it was to be filed in Case No. C 10-1752 SBA (PR). (Pl's May 14, 2010 Letter at 1.) Therefore, as mentioned above, it was opened as a new action.

Plaintiff currently has two separate civil rights actions pending, although he meant to file only one action. Accordingly, the Clerk is directed to remove Plaintiff's April 23, 2010 letter from this action, to file it in his previously-filed action, Case

1 No. C 10-1752 SBA (PR), and to docket it as Plaintiff's "Exhibit E
2 to Complaint." The Clerk is further directed to mark it as filed
3 on April 29, 2010, the date it was received by the Court. The
4 Court will review Plaintiff's complaint and all the attached
5 exhibits in a separate written Order in Case No. C 10-1752 SBA
6 (PR).

7 The present action is DISMISSED because it was opened in
8 error. The in forma pauperis application is DENIED as moot. No
9 filing fee is due. The Clerk shall close the file.

10 IT IS SO ORDERED.

11 Dated: 6/16/2010



12 CLAUDIA WILKEN
13 UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WALTON VAUGHN,

Plaintiff,

V.

JOHN DOE ,

Defendant.

Case Number: CV10-01860 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on June 16, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
receptacle located in the Clerk's office.

Vaughn Walton
T-14075
Folsom State Prison
P.O. Box 290066
Represa, CA 95671-0066

Dated: June 16, 2010

Richard W. Wiekking, Clerk
By: Nikki Riley, Deputy Clerk